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FIFTH BIENNIAL REPORT

OF

The State Civil Service Commission

OF

COLORADO

1927-1928

DENVER, COLORADO
BRADFORD-ROBINSON PTG. CO.
1929

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1929

State Civil Service Commissioners

P. J. HAMROCK, President

ELIZABETH W. QUEREAU WILLIAM T. LAMBERT, JR.

ALICE M. GAFFY, Secretary

MAE F. THOMAS, *Chief Clerk and Stenographer*

EMMA BORTT, *Stenographer*

OFFICE

STATE CAPITOL BUILDING DENVER, COLORADO

P1628
351.1
C11

Letter of Transmittal

November 30, 1928.

To His Excellency,

WILLIAM H. ADAMS,

Governor of Colorado,

Executive Chambers, Denver.

Sir:

The State Civil Service Commission presents herewith for your consideration its Fifth Biennial Report, for the biennial period ending November 30, 1928.

P. J. Hamrock,
President.

Elizabeth Quereau,
Commissioner.

Wm. T. Lambert, Jr.,
Commissioner.

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Fifth Biennial Report

OF

THE STATE CIVIL SERVICE COMMISSION

OF

Colorado

Denver, Colorado, November 30, 1928.

The State Civil Service Commission herewith presents a report of its proceedings during the biennial period of 1927 and 1928 under the Constitutional Amendment adopted by the people on November 5, 1918, and subsequent act of the Legislature, Chapter 20, Session Laws of 1919.

HISTORY OF ORGANIZATION

The appointment of Commissioner W. V. Roberts expired December 30, 1926, and to this vacancy Governor Clarence J. Morley appointed William T. Lambert, Jr., issuing the following executive order:

ORDERED:

That Mr. William T. Lambert, Jr., of Sedalia, Douglas County, Colorado, be and he hereby is appointed State Civil Service Commissioner, for a term of six years, commencing December 31, 1926.

GIVEN under my hand and the Executive Seal this thirtieth day of December, A. D. 1926.

(Signed) CLARENCE J. MORLEY,

(Seal) Governor.

At a meeting of the commission held January 3, 1927, Commissioner Hamrock was continued as president of the commission. At this time the personnel of the Commission is as follows:

Col. P. J. Hamrock, President, term expires December 30, 1928.

Elizabeth Quereau, Commissioner, term expires December 30, 1930.

William T. Lambert, Jr., Commissioner, term expires December 30, 1932.

The County Commissioners' Association circulated petitions during the last biennium in an attempt to repeal Article XII,

Section 13 of the Constitution. The Colorado State Civil Service Employes' Association examined the petitions and on discovering evidence of fraud, filed a protest with the Secretary of State. A hearing on this protest was held, at which witnesses appeared and testified under oath as to personal knowledge of unlawful practices in the circulating of the petitions. At the conclusion of the hearing the Secretary of State refused to accept the petitions. An appeal by the County Commissioners' Association was made to the District Court and then to the Supreme Court. The decision upheld the action of the Secretary of State and recommended that the circulators of the petitions bearing irregularities be prosecuted by the District Attorney.

The commission has established a system of efficiency reports in the form of personal data sheets made out by the heads of departments. An earnest co-operation of the heads of departments and institutions in rating employes fairly and impartially will be very valuable to the state in the development of the merit system.

The responsibility for inefficiency in the service must rest squarely upon the heads of departments and institutions. Employes who are incompetent or inattentive to their duties will be dismissed from the service when proof of their unfitness is placed before the commission.

Every effort will be made to show the appropriation committees of the General Assembly the needs of the commission. If these committees will make an investigation of what is required of the commission, confidence is felt that the requested appropriations will be allowed.

The classified service, which comprises practically every appointive position in the state service, totals thirteen hundred and twenty-four (1,324) employes; nine hundred three (903) male and four hundred twenty-one (421) female.

There are eight hundred thirty-six (836) permanent employes in positions in the classified service; three hundred forty-five (345) provisionals and one hundred forty-three (143) temporary employes. The greatest number of provisional employes are in institutions, occupying positions for which it has been practically impossible to establish eligible lists, on account of the very small salaries paid. Employes in these positions are changing constantly, few, if any, remaining longer than a month or two at one time. It must further be kept in mind the complete inadequacy of the yearly appropriation for examination of three hundred seventy-five ($375.00) dollars.

The commission holds formal weekly meetings, at which all matters pertaining to the employment of persons in the classified service are discussed. Informal meetings are called whenever the business of the commission warrants.

A complete and detailed record of the employment of every person in the classified service is kept in the office of the commis-

sion. Any changes affecting an employe are recorded in the minutes of the meeting of the commission, on a roster card containing the name and other pertinent information relative to an employe's employment, and in a permanent book roster, so that a complete and detailed record of every employe is available at all times.

Payrolls containing the names of all employes in the classified service are certified by the commission each month. Payrolls must agree in every respect with the roster on file in the office of the commission.

APPROPRIATIONS AND EXPENDITURES

Biennial Period, 1927-1928

APPROPRIATIONS

3 Commissioners, salaries	$18,000.00
1 Secretary, salary	4,800.00
1 Chief Clerk and Stenographer, salary	3,000.00
1 Stenographer, salary	2,400.00
Travel	2,000.00
Incidental and Contingent	2,000.00
Examination Expense	750.00
	$32,950.00

EXPENDITURES

3 Commissioners, salaries	$18,000.00
1 Secretary, salary	4,800.00
1 Chief Clerk and Stenographer, salary	3,000.00
1 Stenographer, salary	2,400.00
Travel	824.99
Incidental and Contingent	2,283.67
Examination Expense	750.00
	$32,058.66

COMPLAINTS AND CHARGES

The following complaints and charges were filed with the commission during the biennial period ending November 30, 1928. The commission thoroughly investigated all cases brought before it and if the case were of sufficient consequence, formal hearing was held, witnesses summoned, testimony taken, and a complete record of the case transcribed and placed on file. The commission endeavored to give fair and impartial hearings and its findings in every case were based entirely upon the evidence presented. Of the amount appropriated for General Incidental expenses for the biennial period, approximately four hundred thirty ($430.00) dollars were expended by the commission in conducting hearings of complaints and charges:

CASE No. 39.

W. S. Abbott vs. C. W. Beach, Irrigation Division Engineer. Plaintiff failed to comply with order to make charges specific. Case dismissed.

CASE No. 40.

C. W. Holmberg vs. M. P. Capp, Warden, State Reformatory. Plaintiff failed to comply with order to make charges specific.

CASE No. 41.

T. J. Tynan vs. R. B. Schofield, guard, Colorado State Penitentiary. Charging deliberate appropriation of property belonging to State Penitentiary. Hearing held. Respondent found guilty as charged; suspension and removal made permanent.

CASE No. 42.

E. S. Miller, et al., vs. T. J. Tynan, Warden, Colorado State Penitentiary. Respondent resigned; charges withdrawn and case dismissed without prejudice.

CASE No. 43.

Charles T. Fertig vs. Jackson Cochrane, Commissioner of Insurance. Charging disregard of rules and regulations of Civil Service Commission; destroying efficiency of his office and employes. Hearing held. Commission found charges not sustained. Case dismissed.

CASE No. 44.

Mahlon S. Shown, et. al., vs. James Medina, Water Commissioner, District No. 27. Charging respondent with wrongful diversion of water; discrimination; unlawful distribution of water. Hearing held. Commission found charges not substantiated. Case dismissed.

CASE No. 45.

Sidney J. Cook vs. Otto C. Peterson, Deputy Game Warden. Charging respondent with using vile, abusive and profane language while acting in official capacity as sworn officer of the state. Hearing held. Commission found respondent guilty as charged; reprimanded him for his conduct and suspended him for thirty days without pay.

CASE No. 46.

Charles M. Armstrong vs. Arthur Bullard, Clerk, office of Secretary of State. Charging respondent with showing unmistakable evidence of intoxication while on duty, and absenting himself from duty without permission. Hearing held. Commission found first charge not sustained. Found respondent guilty of second charge; reprimanded him and suspended him for ten days without pay.

CASE No. 47.

F. E. Crawford vs. David Carl Murphy, Deputy Warden, State Penitentiary. Charging respondent with ignoring orders; suppressing occurrences at the Penitentiary; being untruthful in matters vital to the welfare of the institution. Respondent

failed to reply to charges. Suspension made permanent; case automatically dismissed.

Case No. 48.

F. E. Crawford vs. P. Horrigan, W. H. Hammond, R. F. Perrine, guards, Colorado State Penitentiary. Charging respondents with negligence and carelessness in the performance of their duties. Hearing held. Commission found respondents guilty as charged. Suspension and removal made permanent.

Case No. 49.

F. E. Crawford vs. F. W. Wade, Overseer, State Penitentiary. Charging respondent with neglect of duty. Hearing held. Commission found respondent guilty as charged. Suspended without pay for thirty days.

Case No. 50.

John F. Greene vs. Albert C. Dunlap, Quartermaster, Colorado Soldiers and Sailors Home. Respondent resigned before hearing was held. Charges dismissed without prejudice.

Case No. 51.

F. E. Crawford vs. G. M. Madden, Overseer, Colorado State Penitentiary. Charging respondent was found asleep while on duty. Hearing held. Commission found respondent guilty of neglect of duty; suspended him for thirty days without pay.

Case No. 52.

F. E. Crawford vs. Fred McDaniel, Guard, Colorado State Penitentiary. Charging that respondent, without knowledge of officials of the Penitentiary, cashed a post office money order for an inmate—contrary to the rules of the institution. Hearing held. Commission found respondent guilty as charged. Suspension and removal made permanent.

Case No. 53.

State Board of Land Commissioners vs. D. S. DeLappe, charging respondent was absent for more than five days without permission and said absence had been construed as a resignation. Respondent demanded a hearing, which was granted. Commission found respondent guilty and made permanent his removal from the service.

Case No. 54.

F. E. Crawford vs. Clarence Wilson, Guard, Colorado State Penitentiary. Respondent failed to reply to charges. Suspension made permanent. Case automatically dismissed.

Case No. 55.

Charles M. Armstrong vs. Elizabeth L. Wilson, Registrar, office of Secretary of State. Charging that respondent secured leave of absence through misrepresentation. Hearing pending.

LEGAL OPINIONS

January 8, 1927. The Attorney General in an opinion to Commissioner Lambert held that paragraph 2 of Rule 1 of the Rules and Regulations of the Civil Service Commission is void and should be rescinded.

January 8, 1927. An opinion to the effect that the Civil Service Commission has the power to suspend and remove an employe and cannot delegate its power to any appointing officer.

January 13, 1927. The Attorney General held that charges filed against an employe need not be verified.

May 11, 1927. An opinion regarding the civil service cash fund; that House Bill 338 abolishing said fund is valid and constitutional.

June 2, 1927. The Attorney General held that membership in the General Assembly did not disqualify Robert E. Norvell and W. S. Hill from holding the respective positions of Assistant Superintendent of Maintenance, State Highway Department, and Field Organizer, Director of Markets, because said positions are "employments" rather than "civil offices."

April 19, 1928. An opinion to the Secretary of State—copy to this commission—to the effect that the Secretary of State as head of the department has the authority to substitute two part time clerks for one full time clerk, so long as the appropriation for the position is not exceeded.

July 23, 1927. An opinion regarding the newly created position of Coal Mine Inspector, Industrial Commission; holding that the eligible list of coal mine inspectors is not appropriate for the above position and that an examination should be held for the establishing of an eligible list for the new position.

SUPREME COURT DECISIONS

Action in mandamus brought by J. H. Duncan against State Civil Service Commission and State Auditor to compel payment of his salary as Commander of the Soldiers and Sailors Home from November 15, 1925, to April 15, 1926. Judgment awarded by District Court. The Civil Service Commission and State Auditor appealed the case to the Supreme Court, which body held that said Duncan was a *de facto* officer during the period in question, and entitled to the salary.

Action in mandamus brought by J. R. Hamrock against the Public Utilities Commission to compel recognition as the person certified by the Civil Service Commission to be the most fit and of the highest excellence for appointment to the position of inspector. Judgment awarded by District Court. Public Utilities Commission appealed the case to Supreme Court, which affirmed

the judgment of the District Court and held that the Public Utilities Commission had no authority to refuse the certification of relator, who was entitled to the position.

On petition of Bernard Cummings, the District Court awarded him a writ of *certiorari* to review an order of the State Civil Service Commission terminating his provisional appointment as Assistant Commissioner of Securities under the Secretary of State. Case appealed by the Civil Service Commission to the Supreme Court, where judgment was reversed—the latter tribunal holding that a provisional appointment may be terminated at any time by the Civil Service Commission or the head of a department.

Petition for an initiated amendment to repeal Section 13 of Article XII of the State Constitution was filed with Secretary of State; protest made by State Civil Service Employes Association through its president, Charles J. Moynihan. The Secretary of State sustained the protest and the District Court, upon review, affirmed the latter's action. Appeal made by petitioners to Supreme Court, where judgment of lower court was affirmed in a decision holding that the petitions were circulated with a reckless disregard of the law; that the guilty should be prosecuted and punished.

Action brought by John L. East against the State Civil Service Commission, alleging that he should have been certified by the commission as the person most fit and of the highest excellence for the position of Warden, State Reformatory. Demurrer overruled in District Court. Case was not appealed.

RECOMMENDATIONS

We recommend to the Legislature that the biennial appropriation of seven hundred fifty ($750.00) dollars for the examining work be increased. It is eminently proper that the work of choosing fit persons should be absolutely divorced from politics. This cannot be done without adequate funds. We find that it is the experience of Civil Service Commissions throughout the United States that the merit system is a subject of education. It must be made clear that the selection of candidates by competitive examinations is practical, fair and impartial. We find that other commissions have spent large sums of money and much time in educating the people to a belief in this system. Civil Service has been adopted by nine states, and over two hundred and fifty of the largest American municipalities. It is an important factor in the economic and efficient performance of the public business. Governments are operated *not* for the financial profit of a few

political leaders and their office-holding friends, but for the benefit of *all* the people.

The present commission is now in touch with certain authorities looking toward a re-classification and re-standardization of the service.

An objective for the future should be the establishment of a retiring fund; the states of New York, New Jersey and Massachusetts have such a fund. It is badly needed in our state and would be a help to the classified service in establishing an honorable discharge to those old employes of the state who for many years have had a record for efficiency and good conduct, and, through no fault of their own, must be retired.

SUMMARY OF OPEN COMPETITIVE EXAMINATIONS 1927-1928

Class of Examination	Number Held	Number of Persons Applied	Examined	Passed
Assembled	41	504	423	251
Non-assembled	14	244	182	179
	55	748	605	430

Total number of eligibles, males	364
Total number of eligibles, females	66
	430

Examinations were held in Denver, Pueblo, Canon City, Grand Junction and Montrose, Colorado.

Employes in Classified Service

Male	903
Female	421
	1,324

Appointments, Result of Examinations

Permanent	135
Temporary	45
Declinations of Appointment	95

Changes in Classified Service

Promotions	101
Transfers	8
Reinstatements	22
Demotions	12
Resignations	325
Discharges	18
Deaths	16
Suspensions	10
Leaves of Absence	323

SCHEDULES OF EXAMINATIONS HELD DURING BIENNIAL PERIOD

Notice Is Hereby Given that the State Civil Service Commission of Colorado will hold open competitive examinations, as follows:

All Applicants Must Be Electors of Colorado (citizens of the United States, over 21 years of age, who have resided in Colorado for the past year). Applications must be on blank forms obtained from the commission, which will be sent upon request.

Applications must be in the office of the commission not later than seven (7) days prior to the date of the examination, together with examination fee of $1.00.

Oral tests will be given if the commission deems it necessary in order to further determine the qualifications of the applicant. Applicants must also submit to physical examinations when required.

Practical questions to be used in examination may be either written or oral.

Reference blanks sent to those given as reference must be returned completely filled in, or it will be necessary to deduct a certain percentage from applicant's grade.

Applicants must furnish pens, pencils, erasers, ink, etc., and applicants for stenographic and reporter examinations must furnish typewriters, labeled with their names.

Unless otherwise designated on this schedule, all assembled examinations will be held on the stated days at 9:30 a. m., in the House Chamber, State Capitol Building, Denver.

ASSEMBLED EXAMINATIONS

Date of Examination	Last Day for Filing
September 2, 1927	**August 26, 1927**

SUPERINTENDENT—State Home and Training School for Mental Defectives (Institutions located at Ridge and Grand Junction, Colorado).

All applicants must be skilled physicians and have had at least two (2) years' experience in a similar institution; must be competent to direct the medical, hygienic, educational and industrial interests of the institution.

Salary $3,000.00 per annum and maintenance.

COAL MINE INSPECTOR—Compensation Insurance Fund of the Industrial Commission of Colorado.

All applicants must have had experience equivalent to that necessary to obtain a first class Mine Foreman's certificate; must have knowledge of machinery and be able to investigate industrial risks as well as coal mines; must be familiar with Workmen's Compensation Act, with special reference to benefit provisions of the Act, and be able to report intelligently to the Industrial Commission its liability on account of circumstances involved.

Maximum salary $3,000.00 per annum.

Date of Examination — Last Day for Filing

September 7, 1927 — **August 31, 1927**

SECRETARY—State Boxing Commission.
Salary $2,400.00 per annum.

ASSISTANT SUPERINTENDENT—Colorado State Hospital for the Insane, Pueblo, Colorado.
All applicants must be physicians, graduated from an incorporated medical college, and must have had at least five years' experience in the treatment and care of the insane.
Salary fixed by State Board of Corrections.

September 9, 1927 — **September 2, 1927**

REFEREE—Industrial Commission of Colorado.
All applicants must be attorneys at law.
Salary $3,500.00 per annum.

UNDERWRITER—Industrial Commission of Colorado.
Maximum salary $2,400.00 per annum.

PAYROLL AUDITOR AND INSPECTOR—Industrial Commission of Colorado.
Maximum salary $2,400.00 per annum.

September 14, 1927 — **September 7, 1927**

DEPUTY FACTORY INSPECTOR—Department of Factory Inspection (Secretary of State).
Salary $1,200.00 per annum.

COMMISSION MERCHANTS INSPECTOR—Secretary of State.
Salary $1,500.00 per annum.

September 16, 1927 — **September 9, 1927**

AUDITOR AND STATISTICIAN—Public Utilities Commission of Colorado.
Salary $2,500.00 per annum.

INSPECTOR—Public Utilities Commission of Colorado.
Salary $1,800.00 per annum.

September 20, 1927 — **September 13, 1927**

COMMISSIONER—Colorado Tax Commission.
All applicants must possess knowledge of and training in the subect of taxation and taxing laws and be skilled in matters pertaining thereto.
Salary $3,600.00 per annum.

CHIEF CLERK AND STATISTICIAN—Colorado Tax Commission.
Salary $1,500.00 per annum.

INVESTIGATOR—Colorado Tax Commission.
Salary $1,500.00 per annum.

Date of Examination — Last Day for Filing

September 23, 1927 — **September 16, 1927**

DEPUTY BANK COMMISSIONER—Department of State Bank Commissioner.

All applicants must have had at least five years' banking experience prior to the examination.

Salary fixed by State Bank Commissioner and not to exceed $3,000.00 per annum.

September 27, 1927 — **September 20, 1927**

FARM LOAN SUPERINTENDENT—State Board of Land Commissioners.

Salary $2,100.00 per annum.

FARM LOAN INVESTIGATOR AND APPRAISER—State Board of Land Commissioners.

Salary $1,800.00 per annum.

September 30, 1927 — **September 23, 1927**

BOOKKEEPER AND ACCOUNTANT—State Teachers College, Greeley.

Salary $2,000.00 per annum.

BOOKKEEPER—All Departments and Institutions.

Salary $1,500.00 to $1,800.00 per annum.

October 4, 1927 — **September 27, 1927**

CHIEF CLERK—All Departments and Institutions.

Salary $1,200.00 to $1,800.00 per annum.

October 7, 1927 — **September 30, 1927**

WARDEN—Colorado State Reformatory, Buena Vista, Colo.

Salary $2,500.00 per annum and maintenance.

DEPUTY WARDEN—Colorado State Penitentiary, Canon City, Colorado.

Salary fixed by Colorado Board of Corrections.

OUTSIDE DEPUTY WARDEN—Colorado State Penitentiary, Canon City, Colo.

In addition to knowledge of reformatory and penal methods, applicants must also possess administrative experience in farming and general business.

Salary fixed by Colorado Board of Corrections.

CAPTAIN (OF GUARDS)—Colorado State Penitentiary, Canon City, Colorado.

Salary fixed by Colorado Board of Corrections.

October 11, 1927 — **October 4, 1927**

ASSISTANT SUPERINTENDENT OF MAINTENANCE—State Highway Department.

Salary $2,400.00 per annum.

Date of Examination — Last Day for Filing

October 14, 1927 — **October 7, 1927**

RODMAN—State Highway Department.
Salary $1,200.00 to $1,500.00 per annum.

October 18, 1927 — **October 11, 1927**

INSTRUMENTMAN—State Highway Department.
Salary $1,500.00 to $1,800.00 per annum.

October 21, 1927 — **October 14, 1927**

DRAFTSMAN—State Highway Department.
Salary $1,500.00 to $2,100.00 per annum.

STRUCTURAL DRAFTSMAN—State Highway Department.
Salary $1,800.00 to $2,100.00 per annum.

October 24, 1927 — **October 17, 1927**

BRIDGE ENGINEER—State Highway Department.
Salary $3,000.00 per annum.

October 25, 1927 — **October 18, 1927**

SENIOR ASSISTANT ENGINEER—State Highway Department.
Salary $4,800.00 per annum.

October 28, 1927 — **October 21, 1927**

SANITARY ENGINEER—Division of Sanitary Engineering, Colorado State Board of Health.
All applicants must be graduate civil or sanitary engineers from a recognized university or technical institution and must show record of experience in sanitary engineering and public health work.
Salary $3,000.00 per annum.

TECHNICIAN—Division of Bacteriology, Colorado State Board of Health.
Salary $1,500.00 per annum.

November 1, 1927 — **October 25, 1927**

DEPUTY INHERITANCE TAX COMMISSIONER—Inheritance Tax Department (Attorney General).
Salary $1,800.00 per annum.

APPRAISER—Inheritance Tax Department (Attorney General).
Salary $1,800.00 per annum.

November 8, 1927 — **November 1, 1927**

STENOGRAPHER—All Departments and Institutions. General stenographic and clerical work.
Salary $1,200.00 to $1,500.00 per annum.

REPORTER—All Departments and Institutions.
Salary $1,800.00 to $2,400.00 per annum.

NON-ASSEMBLED EXAMINATIONS

In the following non-assembled examinations applicants answer the questions at home. Ample time will be given to comply with the following instructions:

Answers to questions in all non-assembled examinations must be in the office of the commission not later than five (5) days after the dates set for the examinations, for applicants in Denver, and **seven (7) days** for applicants outside of Denver.

Date of Examination	Last Day for Filing
September 2, 1927	**August 26, 1927**

STATIONARY ENGINEER—State Buildings and State Institutions.
Salaries fixed by heads of department or institution.

FIREMAN—State Buildings and State Institutions.
Salaries fixed by heads of department or institution.

JANITOR—State Buildings and State Institutions.
Salaries fixed by heads of department or institution.

PAROLE OFFICER—Penal and Correctional Institutions.
Salary at State Penitentiary and State Reformatory, $1,200.00 per annum; at other istitutions fixed by boards of control.

September 16, 1927	**September 9, 1927**

INSPECTOR—State Inspector of Oils.
Salary $1,500.00 to $2,100.00 per annum.

September 20, 1927	**September 13, 1927**

PRINTER—All State Institutions.

TAILOR—All State Institutions.
Salaries fixed by boards of control.

September 27, 1927	**September 20, 1927**

COOK—All State Institutions.

BAKER—All State Institutions.
Salaries fixed by boards of control.

October 4, 1927	**September 27, 1927**

CHAUFFEUR—All State Departments and Institutions.

TRUCK DRIVER—All State Departments and Institutions.
Salaries fixed by heads of department or institution.

Date of Examination — Last Day for Filing

October 11, 1927 — **October 4, 1927**

SPECIAL POLICE (WATCHMAN)—Board of Capitol Managers.
Salary fixed by board.

October 18, 1927 — **October 11, 1927**

INSPECTOR—State Highway Department.

FOREMAN—State Highway Department.
Salaries fixed by State Highway Department.
Note: If a sufficient number of applications is received from any one locality outside of Denver, arrangements will be made to hold examinations at a point convenient for such applicants.

Dated August 9, 1927.

NOTICE OF EXAMINATIONS

Notice is hereby given that the State Civil Service Commission of Colorado will hold open competitive examinations, as follows:

All applicants must be electors of Colorado (citizens of the United States, over 21 years of age, who have resided in Colorado for the past year). Applications must be on blank forms obtained from the Commission, which will be sent upon request.

Applications must be in the office of the Commission not later than seven (7) days prior to the date of the examination, together with examination fee of $1.00.

Oral tests will be given if the Commission deems it necessary in order to further determine the qualifications of the applicant. Applicants must also submit to physical examinations when required.

Practical questions to be used in examinations may be either written or oral.

Reference blanks sent to those given as references must be returned completely filled in, or it will be necessary to deduct a certain percentage from applicant's grade.

Applicants must furnish pens, pencils, erasers, ink, etc.

Unless otherwise designated on this schedule, examinations will be held on the stated days at 9:30 a. m., in the **Senate Chamber, State Capitol Building, Denver.**

ASSEMBLED EXAMINATIONS

Date of Examination — Last Day for Filing

October 8, 1927 — **October 1, 1927**

WARDEN—Colorado State Penitentiary, Canon City, Colorado.
Salary $2,500.00 per annum and maintenance.

Date of Examination — Last Day for Filing

November 10, 1927 — **November 3, 1927**

PAYROLL AUDITOR—Industrial Commission of Colorado.

Maximum salary $1,800.00 per annum.

November 15, 1927 — **November 8, 1927**

ASSISTANT COMMISSIONER OF SECURITIES—Office Secretary of State.

Salary $1,800.00 per annum.

September 7, 1927.

STATE CIVIL SERVICE COMMISSION OF COLORADO

Please Post Conspicuously — **May 28, 1928**

NOTICE OF EXAMINATION

Notice is hereby given that the State Civil Service Commission of Colorado will hold open competitive examinations, as follows:

All applicants must be electors of Colorado (citizens of the United States, over 21 years of age, who have resided in Colorado for the past year). Applications must be on blank forms obtained from the Commission, which will be sent upon request.

Applications must be in the office of the Commission not later than seven (7) days prior to the date of the examination, together with examination fee of $1.00.

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Practical questions to be used in examinations may be either written or oral.

Reference blanks sent to those given as reference must be returned completely filled in, or it will be necessary to deduct a certain percentage from applicant's grade.

Applicants must furnish pens, pencils, erasers and ink.

The following examinations will be held on the stated days at 9:00 a. m., in the **House Chamber, State Capitol Building, Denver.**

June 18, 19, 20, 1928

DEPUTY COAL MINE INSPECTOR—State Inspector of Coal Mines—$3,000.00 per annum.

Applicants shall have had eight (8) years' experience in the workings of coal mines in Colorado, at least three years of which shall have immediately preceded this examination, and he shall have had twelve (12) years' practical experience in the workings of coal mines in the United States.

NUMBER OF POSITIONS IN THE CLASSIFIED SERVICE OF THE STATE

(With Status of Employes)

Department or Institution	Permanent Employes	Provisional Employes	Temporary Employes	Total
Attorney Gneral	11	..	..	11
Auditing Board	1	..	1	2
Auditor of State	11	2	1	14
Bank Commissioner	8	1	..	9
Commission for the Blind	3	4	..	7
Inspector of Boilers	3	1	..	4
Cantaloupe Inspector	..	1	..	1
Board of Capitol Managers	51	10	6	67
Inspector of Coal Mines	8	..	..	8
Bureau of Child and Animal Protection	1	4	..	5
Child Welfare Bureau	3	5	4	12
Civil Service Commission	3	..	..	3
Board of Corrections	3	..	..	3
Dairy Commissioner	3	6	..	9
State Engineer	14	2	..	16
State Entomologist	5	..	..	5
State Fair Association	..	2	..	2
Game and Fish Department	33	19	2	54
Governor's Office	2	..	..	2
Board of Health	17	4	..	21
Highway Department	129	11	2	142
Board of Immigration	5	..	..	5
Industrial Commission	38	..	1	39
Insurance Department	13	..	1	14
Board of Land Commissioners	23	..	..	23
Law Enforcement	3	4	..	7
Board of Law Examiners	1	..	..	1
Director of Markets	4	11	22	37
Meat Inspection	2	5	..	7
Board of Medical Examiners	2	..	..	2
Metal Mining Fund Board	1	1	..	2
Bureau of Mines	5	1	..	6
Board of Nurse Examiners	1	1	..	2
Inspector of Oils	13	..	1	14
Superintendent of Public Instruction	14	2	1	17
Public Printing Commissioner	3	1	..	4
Public Utilities Commission	17	1	..	18
Secretary of State	71	4	21	96
Board of Stock Inspection Commissioners	27	26	49	102
Tax Commission	8	..	..	8
Traveling Library Commission	..	..	3	3
State Treasurer	6	..	..	6
State Agricultural College	40	5	4	49
School for the Deaf and the Blind	9	5	..	14
School of Mines	19	12	4	35
State Teachers College	26	4	..	30
State Home for Dependent and Neglected Children	10	15	..	25
State Industrial School for Boys	20	23	..	43
State Industrial School for Girls	22	12	..	34
State Home and Training School, Ridge	1	23	..	24
State Home and Training School, Grand Jct.	9	26	6	41

NUMBER OF POSITIONS IN THE CLASSIFIED SERVICE OF THE STATE—Continued

(With Status of Employes—Continued)

Department or Institution	Permanent Employes	Provisional Employes	Temporary Employes	Total
State Hospital	16	24	..	40
State Penitentiary	73	38	8	119
State Reformatory	15	8	4	27
Soldiers' and Sailors' Home	10	21	2	33
Total	836	345	143	1,324

Respectfully submitted,

P. J. HAMROCK,
President.

ELIZABETH QUEREAU,
Commissioner.

WM. T. LAMBERT, JR.,
Commissioner.

CONSTITUTIONAL AMENDMENT

Article XII, Section 13, of the Constitution of the State of Colorado:

Appointments and employments in and promotions to offices and places of trust and employment in the classified civil service of the State shall be made according to merit and fitness, to be ascertained by competitive tests of competence, the person ascertained to be the most fit and of the highest excellence to be first appointed. All appointees shall be qualified electors of the State of Colorado, except as to those offices or positions held by the Civil Service Commission to require special training and technical qualifications, in which cases competitive tests need not be limited to qualified electors and may be held without the State.

The classified civil service of the State shall comprise all appointive public officers and employes and the places which they hold, except the following: Judges of courts of record and one stenographer of each judge, one clerk for each court of record, persons appointed to perform judicial functions, receivers, jurors, members of boards or commissions appointed by the Governor and serving without pay, members of the State Industrial Commission, of the Public Utilities Commission and of the State Civil Service Commission, the Governor's private secretary and three confidential employes of his office, appointees to fill vacancies in elective offices, one deputy of each elective officer, the position involving the duties incident at present to the position of that deputy of the Secretary of State, known as Deputy Commissioner of Labor and the incumbent thereof, officers and teachers in educational institutions not reformatory or charitable in character, all attorneys at law serving as such, and the officers and employes of the General Assembly.

Persons in the classified service shall hold their respective positions during efficient service and shall be graded and compensated according to standards of efficient service which shall be the same for all persons having like duties. They shall be removed or disciplined only upon written charges, which may be filed by the head of a department or by any citizen of the State, for failure to comply with such standards, or for the good of the service, to be finally and promptly determined by the Commission upon inquiry and after an opportunity to be heard. No person shall be discharged for a political or a religious reason. In cases of emergency or for employment of an essentially temporary character, the Commission may authorize temporary employment without a competitive test.

Laws shall be made to enforce the provisions of this section and to establish a State Civil Service Commission to consist of three members who shall be appointed for overlapping terms by the Governor alone and who shall be persons of known devotion to the merit system.

The first three Commissioners appointed hereunder shall hold for two, four and six years respectively. Thereafter the term of a Commissioner shall be six years, except where an appointment is made to fill an unexpired term. A salary of not less than $2,500 per annum shall be paid to each commissioner. The making and enforcement of rules to carry out the purposes of this amendment and of the laws enacted in pursuance hereof, the alteration and recission of such rules, the conduct of all competitive tests, the determination of all removal or disciplinary cases, the standardization of all positions, the determination of standards of efficient service and the determination of the grades of all positions in the classified service shall be vested in the Commission. No person in the classified service shall be paid until a certificate is furnished by the Commission that the appointment has been made pursuant to law.

Adequate appropriations shall be made to carry out the purposes of this Section and in the absence of such adequate appropriations, the salaries and expenses of the Commission shall be paid as are the salaries and expenses of the Executive officers of the State government.

All persons holding positions in the classified service as herein defined when this section takes effect shall retain their positions until removed under the provisions of the laws enacted in pursuance hereof.

This section shall be self-executing.

Approved by the People November 5th, 1918.
Proclaimed by the Governor December 31st, 1918.

Chapter 20

Session Laws 1919

AN ACT

TO APPLY THE MERIT SYSTEM TO APPOINTMENTS IN THE CIVIL SERVICE OF THE STATE OF COLORADO, PURSUANT TO ARTICLE XII, SECTION 13, OF THE CONSTITUTION OF THE STATE OF COLORADO.

Section 1. That pursuant to Article XII, Section 13, of the Constitution of Colorado, a State Civil Service Commission created by said Article is hereby established; to consist of three members appointed for overlapping terms by the Governor alone and who shall be persons of known devotion to the merit system. The three Commissioners heretofore appointed under said Article XII, Section 13, of the Constitution of Colorado shall hold for two, four and six years respectively. Thereafter the term of a Commissioner shall be six years, except where an appointment is made to fill an unexpired term. Each Commissioner shall receive as compensation for his services an annual salary of Three Thousand Dollars, payable monthly, and his actual necessary expenses incurred in the performance of his duties; the Commission is hereby authorized to appoint a secretary at a salary of Twenty-four Hundred Dollars per annum.

Section 2. Appointments and employments in and promotions to offices and places of trust and employment in the classified civil serv-

ice of the State, as provided by Article XII, Section 13, of the Constitution of the State of Colorado, shall be made according to merit and fitness, to be ascertained by competitive tests of competence, the person acertained to be the most fit and of the highest excellence to be the first appointed. All appointees shall be qualified electors of the State of Colorado, except as to those offices or positions held by the Civil Service Commission to require special training and technical qualifications, in which case competitive tests need not be limited to qualified electors and may be held without the State as provided in Article XII, Section 13, of the Constitution of the State of Colorado.

Section 3. The classified civil service of the State shall comprise all appointive public officers and employes and the places which they hold, except the following: Judges of courts of record and one stenographer of each judge, one clerk for each court of record, persons appointed to perform judicial functions, receivers, jurors, members of boards or commissions appointed by the Governor and serving without pay, members of the State Industrial Commission, of the Public Utilities Commission and of the State Civil Service Commission, the Governor's private secretary and three confidential employes of his office, appointees to fill vacancies in elective offices, one deputy of each elective officer, the position involving the duties incident at present to the position of that deputy of the Secretary of State, known as Deputy Commissioner of Labor and the incumbent thereof, officers and teachers in educational institutions not reformatory or charitable in character, all attorneys at law serving as such, and the officers and employes of the General Assembly.

Section 4. Persons in the classified service shall hold their respective positions during efficient service and shall be graded and compensated according to standards of efficient service which shall be the same for all persons having like duties. They shall be removed or disciplined only upon written charges, which may be filed by the head of a department or by any citizen of the State, for failure to comply with such standards, or for the good of the service, to be finally and promptly determined by the Commission upon inquiry and after an opportunity to be heard. No person shall be discharged for a political or a religious reason. In cases of emergency or for employment of an essentially temporary character, the Commission may authorize temporary employment without a competitive test.

Section 5. The making and enforcement of rules to carry out the purposes of the constitutional provision and of this act; the alteration and recission of such rules, the conduct of all competitive tests, the determination of all removal or disciplinary cases, the standardization of all positions, the determination of standards of efficient service, and the determination of the grades of all positions in the classified service, shall be vested in the Commission. No person in the classified service shall be paid until a certificate is furnished by the Commission that the appointment has been made pursuant to law.

Section 6. All persons holding positions in the classified service as defined in the constitutional amendment pursuant to which this act is drawn, when said Article became effective, shall retain their posi-

tions until removed under the provisions of said constitutional amendment and this act.

Section 7. Whoever makes an appointment to office, or selects a person for employment contrary to, or discharges an employe otherwise than in accordance with the provisions of Article XII, Section 13, of the Constitution of the State of Colorado, or of this Act, or of any rule of the Commission, or refuses or otherwise neglects to comply with the provisions of Article XII, Section 13, of the Constitution of the State of Colorado, or of this Act or of any rule of the Commission shall be deemed guilty of a misdemeanor and for each and every offense shall, upon conviction, be punished by a fine not to exceed one thousand dollars.

Four times the amount of any payment contrary to the provisions of Article XII, Section 13, of the Constitution of the State of Colorado, or of this Act or of any rule of the Commission may be recovered from any member of a board or officer signing, or countersigning, any warrant therefor or paying any such warrant, or from the sureties on the official bonds of any officer or member, or from the officer and his said sureties, in an action brought by the State or by any taxpayer. The amount of such judgment shall be paid to the State.

Section 8. It shall be the duty of the Commission to investigate all alleged breaches of Article XII, Section 13, of the Constitution, of this Act, and of its rules, and in the course of such investigation they, or any of them, may subpoena witnesses, administer oaths, compel the testimony of witnesses, and the production of books, papers and records relevant to such inquiry, and it shall be the duty of any person subpoenaed to appear and testify, and to produce such books, papers and records as are called for in such subpoena. The same compensation shall be allowed for the attendance of witnesses and service of papers by officers as is allowed by law in the districts courts of the respective counties in which such investigation shall be held, and the Commission shall certify such amounts to the Auditor of State, for payment from the fund which shall be appropriated for the purpose of carrying Article XII, Section 13, of the Constitution, this act and the rules of the Commission into effect.

Section 9. The Commission shall keep records of its proceedings and of all examinations held by it, or under its authority. All records and documents filed with the Commission shall be preserved as public records. The minutes of the proceedings of the Commission and all eligible lists, shall be open at all reasonable times to public inspection.

The Commission shall, on or before the first day of December preceding each regular session of the General Assembly, make a report to the Governor of its work during the preceding two years, including all rules adopted, and any suggestions for legislation to carry out the purposes of Article XII, Section 13, of the Constitution and of this act. This report shall be printed and distributed as a public document.

Section 10. Every applicant for examination shall pay the Commission a fee of one dollar ($1.00), for the purposes of defraying so far as possible the expense of conducting said examination and other expenses of the Commission. All moneys received or collected by the

Commission shall be paid into the State Treasury, daily, and shall be by the State Treasurer placed in a separate account to the credit of the Commission to be paid out only on order of the Commission, for the purpose of paying expenses incurred by the Commission, and no person shall be examined or certified to any eligible list until such fee has been paid.

Section 11. If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed the act, and each section, sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 12. An Act of the General Assembly, entitled, "An Act concerning Civil Service and to repeal an act entitled 'An Act in relation to Civil Service in the State Institutions and Municipalities,' approved March 30, 1907, and to repeal an act entitled 'An Act to amend an act entitled An Act in relation to Civil Service in State Institutions and Municipalities,' approved March 30, 1907, so that the title will read 'An Act relating to Civil Service and to amend Sections 3, 10, 17 and 21, and to repeal Section 11 of said Act' adopted by the people of the State of Colorado, effective January 22, 1913," approved April 10th, 1915, known as Chapter 51, laws of 1915, be and the same is hereby repealed, as well as all other acts and parts of acts inconsistent with the provisions of this act.

Section 13. The General Assembly hereby declares this Act necessary for the immediate preservation of the public peace, health and safety.

Section 14. Whereas, in the opinion of the General Assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved April 9, 1919—1:20 p. m.

During the past biennial period, the Commission approved the adoption of the following amendments to the Rules and Regulations of the State Civil Service Commission:

August 27, 1927, the following resolution was adopted:

> "Moved that the word 'Examiner' be stricken from Regulation VI, paragraph (1), paragraph (11), paragraph (12), paragraph (15), and from Rule IV, the words 'Chief Examiner' in subdivisions (7) and (9); and that the words 'person in charge of examination' be inserted in lieu thereof."

April 11, 1928, the following resolution was adopted:

> "Moved that * * * subdivision (3) of Rule VI of the Rules and Regulations of the State Civil Service Commission be and the same hereby is rescinded."

May 31, 1928, the following resolution was adopted:

"That in sub-division (3) of Rule XI, the words 'receipt of explanation'—'or at the'—'if such hearing shall be granted' —'or disciplinary board'—'but the findings of the disciplinary board shall be subject to the approval of the commission'— 'or of the disciplinary board when so approved' be deleted and the word 'reprimanded' be changed to 'reprimand.' "

"That in sub-division (5) of Rule XI, the words 'with the approval of the Civil Service Commission' be inserted after the word 'may'; the word 'his' changed to 'its'; that the words 'he may with the consent of the Commission' be deleted and the word 'may' be inserted before 'continue.' "

"That sub-division (4), (6) and (7) of Rule XI be and the same are hereby rescinded; and that sub-divisions be re-numbered to conform to changes made."

Rule XI as amended now reads as follows:

SUSPENSION, REDUCTION AND DISCHARGE

(1) Officers or employes in the classified service shall be suspended, removed or discharged, or reduced in rank or compensation, for inefficiency, misconduct or insubordination, or to promote the efficiency of the service, only in the following manner, to-wit:

Persons in the classified service shall hold their respective positions during efficient service and shall be graded and compensated according to standards of efficient service which shall be the same for all persons having like duties. They shall be removed or disciplined only upon written charges which may be filed by the head of a department, or by any citizen of the State or by the Commission or members of its staff for failure to comply with such standard, or for the good of the service, to be finally and promptly determined by the Commission upon inquiry and after an opportunity to be heard. No person shall be discharged for a political or a religious reason.

(2) Such charges shall thereupon be investigated by the Commission. The person concerned shall be given a full copy of the charges and shall be allowed at least five days in which to make reply to such charges, which reply shall be in writing.

(3) Upon conclusion of a hearing, the Commission shall fix the penalty, if any; and the findings of the Commission shall be final. Such penalty may be reprimand, to be made a matter of record; fine, not exceeding thirty days' pay, or both; or permanent reduction in rank, grade or compensation; or removal from the service. In fixing the penalty, the Commission shall take into account the previous record of the person charged with an offense. The Commission shall thereupon transmit its findings to the head of the department where the person affected is employed, and such findings and decision shall forth-

with be enforced; except that heads of departments, with the approval of the Commission, may dispense with services or reduce the compensation of any person employed in a department for any time, irrespective of this section, when there shall be no appropriation to pay for such services, or where economy requires cutting down of the force in such department or the reduction of salaries.

(4) The Commission may, at any time, suspend without pay for ten days any employe, who, in its judgment, is guilty of any misconduct or breach of discipline; and if, within that period, charges are filed with the Commission against such person, the Commission may continue such suspension until the Commission shall hear and decide the charges, which must be done within thirty days after the same are filed.

(5) The appointing power may, with the approval of the Civil Service Commission, at any time suspend without pay for ten days any employe who, in its judgment, is guilty of any misconduct or breach of discipline; and if, within that period, charges are filed with the Commission against such person, the Commission may continue such suspension until the Commission shall hear and decide the charges, which must be done within thirty days after the same are filed.

October 24, 1928, the following resolution was adopted as paragraph 5 of Regulation IV of the State Civil Service Commission:

Any candidate in a competitive examination who shall have served in the military or naval services of the United States at a time of war, for a period of at least six months, and who can show honorable discharge from such forces, shall be allowed 2½ points if such service was in the United States, and an additional 2½ points if service was in a foreign country; making a total of 5 points for any candidate who served over seas; provided that candidate must receive at least 70% in the examination, which is the average that must be attained to secure entry on any eligible list.

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